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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,125	06/12/2000	ANIL N. SHETTY	287300023POA	2994

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EXAMINER	
SMITH, RUTH S	
ART UNIT	**PAPER NUMBER**
3737	31

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/486,125	SHETTY ET AL.	
	Examiner	Art Unit	
	Ruth S Smith	3737	

-- The MAILING DATE of this communication appears on the cover she t with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 October 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 14, 2003 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 19, 20, 22-25,29-31,35-39 are rejected under 35 U.S.C. 103(a) as obvious over applicant's admission of the prior art. The claims are readable on the use of a conventional MRI system to perform two different scans on a patient except for entering all scan parameters before performing the scans and processing all of the collected data after all data has been collected. A conventional system involves the input of imaging parameters, the collection of data based upon the input and the processing of data. The time it takes to set up for a second scan would inherently provide the patient enough time to breathe and hold the breath again. It would have been obvious to one skilled in the art to have entered all scan parameters before performing the scans and to process all of the collected data after all data has been collected in order to expedite the scanning process and reduce the patient's time in the bore of the magnet. If all input parameters are entered before data collection begins and all data is collected before processing begins, the patient can spend less time in the bore of the magnet. Applicant fails to specifically set forth the delay time. The time it

takes to set up for a second scan would inherently be adaptable. The delay time would be based on the type of scan being set up and how long it takes to move the patient to set up such a scan. In the absence of any showing of criticality or unexpected results the delay time selected would have been obvious selection based upon the time it takes to move the patient to a second scan position. With regard to claims 38,39, the adaptable values could be predetermined and have different delay times based on the type of scans being performed.

Claims 19, 20, 22-25 29-31,35-39 are rejected under 35 U.S.C. 103(a) as obvious over Hurd et al. Hurd et al disclose acquiring imaging data using a first set of parameters and then acquiring image data using a second set of parameters. After the scan is completed the image data acquired from each set of parameters is processed. It would have been obvious to one skilled in the art to have entered all scan parameters before performing the scans in order to expedite the scanning process and reduce the patient's time in the bore of the magnet. Hurd et al fails to specifically set forth the delay time. The time it takes to set up for a second scan would inherently be adaptable. The delay time would be based on the type of scan being set up and how long it takes to move the patient to set up such a scan. In the absence of any showing of criticality or unexpected results the delay time selected would have been obvious selection based upon the time it takes to move the patient to a second scan position. With regard to claims 38,39, the adaptable values could be predetermined and have different delay times based on the type of scans being performed.

Claims 26-28,32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurd et al as applied to claims 24,30 above, and further in view of Riederer et al. Riederer et al disclose an MRI system which includes a stimulus for prompting a patient when they can breathe. The stimulus can be audible or visual. It would have been obvious to one skilled in the art to have modified Hurd et al such that it includes a means for indicating to a patient when they can breathe in order to allow the patient to have some form of indicator which shows how much longer they must stay still.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's own admission or Hurd et al alone as applied to claim 20 above or further in view of Matsutani. Applicant and Hurd et al each fails to specifically refer to the use of a drive device to move the patient. It is old and well known in the art to move a patient on an examination table in order to correctly position them for the next desired scan. Matsutani et al is merely one example of such. It would have been obvious to one skilled in the art to have modified the prior art system disclosed by Applicant or Hurd et al such that it includes a drive device to move the examination table for a second scan in order to correctly position the patient as is a well known expedient in the art.

Response to Arguments

Applicant's arguments filed October 14, 2003 have been fully considered but they are not persuasive. The time it takes to set up for a second scan would inherently be adaptable. The delay time would be based on the type of scan being set up and how long it takes to move the patient to set up such a scan. In the absence of any showing of criticality or unexpected results the delay time selected would have been obvious selection based upon the time it takes to move the patient to a second scan position.

Conclusion

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth S Smith whose telephone number is (703) 308-3063. The examiner can normally be reached on M-F 5:30 AM- 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Ruhl can be reached on (703) 308-2262. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth S Smith
Primary Examiner
Art Unit 3737

RSS